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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

BENJAMIN POWELL,

Plaintiff,

-v-

SHERIFF THOMAS BEILEIN,

Defendant.

DECISION AND ORDER
04-CV-0926A

Plaintiff Benjamin Powell, who was being held at the Niagara County Jail pending federal charges in this Court, claims that defendant, Thomas Beilein, the Sheriff of Niagara County, who is responsible for the Niagara County Jail, violated his rights while he was held at the Jail by (1) not providing lighting fixtures and proper heating in the cell block where he is housed; (2) removing stamps on letters that are returned for insufficient postage and not having an adequate law library; and (3) not allowing inmates in punitive segregation to have lotion and hair grease in order to maintain proper skin and scalp hygiene. Following review of the complaint, pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A, the Court (Hon. David G. Larimer) held that the claims as pled failed to state claims upon which relief could be granted and that the complaint would be dismissed unless plaintiff filed an amended complaint by May 25, 2005. (Docket No. 5). Judge Larimer also denied plaintiff's motion for appointment of counsel. Plaintiff now seeks an expedited hearing and what appears to be a preliminary injunction directing defendant to remedy the constitutional violations alleged in the complaint and set forth above. Plaintiff also again seeks the appointment of counsel. (Docket No. 6).

Plaintiff's request for injunctive relief must be denied because he has recently informed the Court that he is no longer being held at the Niagara County Jail and has been transferred to the Erie County Holding Center. His claims for injunctive relief are therefore moot. *See, e.g., Prins v. Coughlin*, 76 F.3d 504, 506 (2d Cir. 1996) (It is well settled "in this Circuit that a transfer from a prison facility moots a [request] for injunctive relief against the transferring facility."). Plaintiff's motion for appointment of counsel is also denied without prejudice for the same reasons set forth in the Decision and Order of Judge Larimer (Docket No. 5) previously denying said relief.

Accordingly, plaintiff's motion for an expedited hearing, preliminary injunctive relief and the appointment of counsel (Docket No. 6) is denied.

SO ORDERED.

Dated: May 9, 2005
Rochester, New York

/s/ Charles J. Siragusa
CHARLES J. SIRAGUSA
United States District Judge